



**DEPARTMENT OF JUVENILE JUSTICE
OFFICE OF THE INSPECTOR GENERAL
BUREAU OF INVESTIGATIONS**

**REPORT OF INVESTIGATION
IG # 09-0145
CCC # 2009-06026**

**ALLEGATIONS: UNNECESSARY FORCE
VIOLATION OF POLICY AND RULE**

**ST. JOHNS JUVENILE CORRECTIONAL FACILITY
ST. JOHNS YOUTH ACADEMY
4500 AVENUE D
ST. AUGUSTINE, FL 32085**

JANUARY 27, 2011

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Background

On November 17, 2009, the Department of Children and Families (DCF) Chief of Staff (COS) Jason Dimitris reported to the Department of Juvenile Justice (DJJ) former COS Kelly Layman that DCF was investigating allegations of physical abuse and inadequate supervision of offenders by facility staff at the St. Johns Youth Academy (YA) and St. Johns Juvenile Correctional Facility (JCF).¹ The victims reportedly alleged they were choked, battered, and bruised. It was also reportedly alleged the youths were being denied access to call the DCF Abuse Hotline and if they ask to call they were sanctioned. At that time, DCF interviewed over 27 children at the facility and all their statements were consistent in their allegations. On November 18, 2009, the OIG assigned this case for investigation.

During the course of this investigation, OIG staff determined multiple allegations reported to DCF had been assigned for investigation under various Central Communications Center (CCC) case numbers:

- 2009-04188 (IG Case Number 09-0147)
- 2009-05927 (IG Case Number 09-0149)
- 2009-05953 (IG Case Number 09-0144)
- 2009-05971 (IG Case Number 09-0141)
- 2009-05990 (IG Case Number 09-0148)

The multiple allegations reported by DCF were consolidated and addressed in one abuse report, DCF #2009-185699. Some of the allegations addressed in this DCF report are included in investigations related to the above CCC numbers. This particular OIG investigation (09-0145) addresses allegations of Unnecessary Force by former Shift Supervisor Michael Forrester against Youth at St. Johns JCF, and allegations of Unnecessary Force by Youth Care Worker Alfred Clark, Master PAR Instructor Fistroy Henry, Shift Supervisor Roy Smith, and Unit Manager Larry Wise against Youth at St. Johns YA. It also addresses several allegations by youth that they were denied or received delayed access to the DCF Abuse Hotline.

During the course of the investigation, allegations were raised that the air conditioning system in St. Johns JCF was inoperative for over a month and unknown staff refused to allow youths to call the Abuse Registry. OIG staff noted Program Review #2009-05522 was conducted on this matter and closed as Inconclusive to Violation of Policy and Rule.² As none of the youths interviewed for this program review could identify specific staff who denied them access to the Abuse Registry, and none of the staff interviewed for the program review said they denied the youths abuse calls, this matter will not be further investigated.

St. Johns JCF is a DJJ contracted residential program operated by Youth Services International, Inc. (YSI). It is located in Circuit 7, St. Augustine, St. Johns County, Florida. St. Johns JCF is a 48-bed high-risk facility designed for male offenders

¹ Attachment A-1.

² Attachment D-17.

between the ages of 14 to 18 years old. The program provides Mental Health Overlay Services (MHOS).

St. Johns YA is a DJJ contracted residential program, operated by YSI. It is located in Circuit 7, St. Augustine, St. Johns County, Florida. St. Johns YA is a 34-bed medium-risk facility for male youths between the ages of 14 and 18, which provides mental health, substance abuse treatment services, case management, and psychiatric services.

The referenced incident involving Youth _____ occurred in the Bravo Pod dayroom, St. Johns JCF. The referenced incident involving Youth _____ occurred in Bravo Pod, St Johns YA.

Executive Summary

From November 18, 2009, through October 26, 2010, OIG staff reviewed pertinent DJJ and program records regarding these incidents and correlating DJJ and program policies and standards, as well as relevant Florida Rules and Statutes. Between November 20, 2009, and October 19, 2010, OIG staff interviewed 27 youths and 19 staff regarding their direct knowledge of the alleged incidents. Internal reviews of these incidents were not conducted by their respective programs because the allegations were disclosed during the course of a DCF investigation of both facilities.

OIG staff determined no referral to law enforcement was necessary as required by Section 20.055 Florida Statute.

The investigative findings for the allegations investigated are as follows:

Allegation One – INCONCLUSIVE

Youths _____, and _____ told OIG staff Shift Supervisor Lasheba Anderson denied them access to the Abuse Registry (AR). The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns YA Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.³

OIG staff interviewed youth _____ who said Anderson told him he had to wait 24 hours to call the AR.⁴ Youth _____ said he was never given the opportunity to call. Youth _____ said his complaint regarded the method in which staff gave him points but he did not provide any specifics.

OIG staff interviewed youth _____ who said Anderson refused to allow him to call the AR after staff did not allow him to shower.⁵ Youth _____ said he was over 18 years of age and, "I really don't feel like I've been abused."

³ Attachments C-4 and C-8.

⁴ Exhibit U.

⁵ Exhibit AA.

OIG staff interviewed youth who said he heard Anderson tell youths staff had 24 hours to allow a youth to call the AR.⁶ Youth said Anderson told him his complaint was "not worthy" of being called to the AR. Youth said his complaint was he had to wait one hour for staff to bring him toilet paper. He said he had no knowledge staff discouraged youth from making abuse calls.

On May 6, 2010, OIG staff interviewed Anderson who denied the allegations that she refused or delayed youths' access to the AR.⁷ Anderson said youths are entitled to immediate access to the AR. Anderson said the procedures at the facility had changed over the past seven months, when staff had 24 hours to allow a youth to call the AR. Anderson said she never told Youth or youth their complaints were not worthy enough to be called to the AR. Anderson said she never denied youth the ability to take a shower.

Allegation Two – INCONCLUSIVE

Youth told OIG staff former Shift Supervisor Lashonda Armstrong and Shift Supervisor Milton Collins denied him access to the AR. The alleged conduct is classified as a Violation of Policy and Rule and is covered by St. John's YA Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁸

OIG staff interviewed youth who said he recalled asked Armstrong and Collins for an abuse call near the end of September, beginning of October 2009, and both refused to grant him that request.⁹ Youth said he spoke with YSI Assistant Regional Vice President, Tuwollar Mobley, about two weeks later and she allowed him to call the AR. A review of the program's Abuse Log Book by OIG staff showed youth received his abuse call on October 7, 2009, at 11:45 a.m.¹⁰

On September 10, 2010, OIG staff interviewed Armstrong who said youth never asked her to call the AR.¹¹

On May 6, 2010, OIG staff interviewed Collins who said he never delayed calling the AR for any of the youths.¹² Collins said he did not know where the information staff has 24 hours to allow a youth to call the AR originated. Collins denied he ever refused any youth an abuse call.

Allegation Three – INCONCLUSIVE

Youth told OIG staff Master PAR Instructor Fistroy Henry, Youth Care Worker Alfred Clark, Shift Supervisor Roy Smith, and Unit Manager Larry Wise used unnecessary force on him (youth) resulting in injuries. The alleged

⁶ Exhibit AE.

⁷ Exhibit AM.

⁸ Attachments C-4 and C-8.

⁹ Exhibit M.

¹⁰ Attachment D-18.

¹¹ Exhibit AN.

¹² Exhibit AP.

conduct is classified as Unnecessary Force and is covered by St. Johns YA Standard Indicator 3.14, Behavioral Intervention Techniques, and Rule 63H-1.003, Authorized Levels of Response.¹³

OIG staff interviewed youth who said Henry instructed him to return to his room but he refused to comply.¹⁴ Youth said Henry and Clark grabbed his arms and put him in his room. Youth said he kicked his room door and Henry and Clark restrained him to the floor. Youth said (unidentified) staff entered the room to assist in the restraint. Youth said when he was on his stomach; (unidentified) staff crossed his legs and bent them towards his buttocks. Youth said (unidentified) staff then put both of the youth's arms behind his middle back and Clark put a forearm on the left side of the youth's neck and leaned on the youth. Youth said he heard Clark say, "Three more seconds he would have been out." Youth said he did not know the names of the staff that participated in the restraint, except for Clark and Henry. Youth said he did not ask to make an abuse call. He said he had no witnesses to support his allegations against staff.

OIG staff reviewed the PAR report of the incident, which showed Henry, Clark, Smith, and Wise were engaged in an incident with youth on November 11, 2009.¹⁵ The report indicated Program Director Tina Conley reviewed the report on November 11, 2009, and determined the use of the physical intervention techniques was in compliance with the PAR policy and PAR training curriculum. The report indicated Nurse JoAnne Reid interviewed youth on November 11, 2009, and noted a medical review was necessary. Reid wrote the youth was seen following the PAR and no injuries were noted. Assistant Program Director Keenan Bullard signed the report as the Administrator/Designee on November 12, 2009, and wrote "PAR was within PAR guidelines. The report included a written statement by Henry, who wrote the youth was counseled for approximately 10 minutes and the "youth verbalized further non-compliance." Henry wrote staff made additional attempts "to de-escalate the youth without success" and Henry attempted to escort youth to the youth's room using a straight arm extended escort. Henry wrote Clark assisted him and the youth was escorted to his door, where the youth kicked it open in an extremely violent fashion. Henry wrote the youth was released from the escort and placed in the room. Henry wrote youth made an aggressive move towards Clark and an immediate team takedown was performed. Henry wrote Clark secured the youth's right arm to the youth's side, Wise had the left, and Smith and Henry secured the youth's legs. Henry wrote the youth was counseled, de-escalated, and then escorted to medical. The report included a statement by Clark, who wrote the "youth was counseled for approximately 10 minutes. The youth verbalized further non-compliance." Clark wrote that after all attempts to de-escalate the youth failed, youth was moved to his room. Clark wrote he was assisted by another staff in using a straight arm extended escort to move youth. Clark wrote youth kicked his door "in an extremely violent fashion." Clark wrote the youth made an aggressive move towards him and an immediate takedown was performed. The report included a statement by Smith, who wrote he assisted Henry and Clark by securing youth right leg until the youth complied. The report included a statement by Wise, who wrote he assisted Henry and Clark by securing the youth's left arm until the youth complied with all directives. OIG

¹³ Attachments B-1, C-3, and C-7.

¹⁴ Exhibit X.

¹⁵ Attachment D-3.

staff also reviewed medical progress notes for youth which showed Reid wrote youth was brought to medical following a PAR with no apparent injuries.¹⁶ Reid wrote the youth denied any injuries and stated "I'm okay." As the restraint occurred in a youth's room, no video surveillance was available.

OIG staff interviewed four youths who stated they witnessed in some manner portions of the restraint of youth.¹⁷ Youth said he witnessed Henry "jacking" youth arm behind his back." Youth said youth told him that once inside youth room, staff jumped on him and tried to "choke him out and put him to sleep." Another youth said five to six staff members were restraining youth but the youth could not identify any of the staff. One youth said he did not witness the restraint but he heard youth say staff was bending his arms behind his back. The fourth youth said the staff involved in the restraint were from Miami but said Henry was also present. This youth said he asked youth what happened and youth told him (unidentified) staff had "choked him out."

On May 6, 2010, OIG staff interviewed Henry who said he used a "straight arm escort" to escort youth to his room.¹⁸ Henry said when staff was regressing from youth room, youth lowered his shoulder and rushed towards staff in an attempt to exit the room. Henry said that he, along with Clark and Wise, executed an immediate team take-down on youth. Henry said that after the youth was on the ground, Henry secured youth legs while Clark and Wise secured youth arms. Henry denied he bent youth legs and said he did not witness Clark or Wise bend the youth's arms. Henry said he did not witness any staff placing their elbows on youth neck. Henry said youth never claimed he was abused despite the fact he was clearly angry that he was restrained.

Henry said he did not place nor did he witness anyone placing youth arms behind his back prior to or after the restraint. Henry said he never made any remarks to youth similar to "Three more seconds and you'll be out."

On October 19, 2010, OIG staff interviewed Clark who said youth was highly upset while being escorted into his room.¹⁹ He said youth started kicking the wall and refused to allow staff to escort him inside his room. Clark said once staff escorted youth into his room, the youth made an aggressive attempt to exit the room but was stopped by staff. Clark said he believed he secured youth right arm. Clark said he did not place the youth's arm behind his back but rather secured youth right arm in an extended position until the youth calmed down and was released. Clark denied he placed his forearm on youth neck. Clark said he did not witness Henry place youth arms behind his back. Clark denied youth asked to call the AR.

On October 21, 2010, OIG staff interviewed Smith who said he could barely recall the incident with youth since it occurred about one year ago.²⁰ Smith said if youth had been restrained it was because he was not complying with staff's

¹⁶ Attachment D-4

¹⁷ Exhibits G, L, Y, and AC.

¹⁸ Exhibit AS.

¹⁹ Exhibit AP.

²⁰ Exhibit AV.

instructions. He said his PAR training taught that a staff member must secure a youth's legs down to the ground and denied it was permissible to bend a youth's legs up towards his buttocks or to place a youth's arms behind their backs during a restraint. Smith said a youth's arms would be extended outwards while the youth was lying on the floor. Smith said he did not recall youth alleging Clark placed his forearm on youth neck or youth alleging he was choked.

On October 19, 2010, OIG staff interviewed Wise who said several staff members (Henry, Clark, and Smith) entered the room individually in an attempt to calm youth down after youth was escorted into his room.²¹ Wise said when he walked in to speak with youth the youth raised his hand, which prompted Wise to secure the youth's arm to prevent him from striking the staff member. Wise said once he grabbed youth left arm, youth became more combative and resisted staff members. Wise said another staff member secured youth right arm and a team take down was performed. Wise denied youth arms were ever placed on his back but were secured extended from his body. Wise said he would have known if Clark was choking youth because "Mr. Clark is three times my size. If he was that close up on the kid's neck. That's not true." Wise denied he ever heard youth claiming he was abused or requesting to call the Abuse Registry.

Allegation Four – INCONCLUSIVE

Youths , and told OIG staff St. Johns YA Program Director Bettina Conley denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns YA Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.²²

OIG staff interviewed 27 youths regarding allegations facility staff denied and/or delayed them access to the AR.²³ Of the 27 youths interviewed, only three youths testified Conley told them staff had 24 hours before allowing a youth to contact the AR. Youths and said Conley told them they needed to wait 24 hours before they could call the AR.²⁴ Youth said he has waited up to two days before being allowed to call the AR. Youth testified Conley told youths that an additional 30-days would be added to their time if they called the AR.²⁵ Youth told OIG staff he asked Conley's permission to contact the AR but she denied his request.²⁶ Youth said Conley did not try to bribe him or decrease his commitment time at the program if he declined to call the AR.

Youth said he only asked to make an abuse call once regarding a neck injury he sustained.²⁷ Youth said and he asked Conley for the abuse

²¹ Exhibit AX.

²² Attachments C-4 and C-8.

²³ Exhibits E through AE.

²⁴ Exhibits G, Q, and AE.

²⁵ Exhibit T.

²⁶ Exhibit M.

²⁷ Exhibit K.

call but Conley told him she reported the incident to the Abuse Hotline before he asked her. OIG staff searched the CCC database and found this incident had been referred for an Administrative Review [CCC Report #2010-00546].²⁸ The report showed the DCF forwarded a report of the incident to the CCC on February 9, 2010. The incident involved youth having an altercation with another youth where he sustained several disk fractures to his neck. The subsequent Administrative Review substantiated an allegation of improper supervision by former YCW Gary Hall and management terminated the staff.

On February 17, 2010, and May 6, 2010, OIG staff interviewed Conley, who said the procedures for allowing youths to call the AR have always been the same.²⁹ Conley said any youth requesting to call the AR should be allowed unimpeded access or immediate access to make the call. Conley said she never told youth that staff has 24 hours to allow a youth to call the AR. Conley said there was some confusion with the previous management. Conley said she had no idea where the 24 hour concept originated from or how it was disseminated to the staff. Conley denied she ever attempted to bribe youth so he would not call the AR. Conley denied she told youth that management had the right to wait 24 hours prior to allowing him to call the AR. Conley denied she ever threatened youth with extending his time at the facility by 30 days if he called the AR. Conley denied she ever threatened youth if he called the AR. Conley concluded her interview by stating, "Our policy is immediate contact. I still don't know where the 24-hours come in. I have never, ever, ever made the statement that we have 24-hours to do that."

Allegation Five – 5a. Unnecessary Force – INCONCLUSIVE

5b. Violation of Policy and Rule - INCONCLUSIVE

Youth told OIG staff former Shift Supervisor Michael Forrester slammed the youth's head to the ground four times during a restraint on October 3, 2009, and then refused to allow youth to call the AR. The alleged conduct is classified as Unnecessary Force and Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment; St. Johns JCF Standard Indicator 3.14, Behavioral Intervention Techniques; Rule 63H-1.003, Authorized Levels of Response, and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.³⁰

OIG staff interviewed youth who said he was defiant and non-compliant with Forrester's instructions to return to his room.³¹ Youth said Forrester and YCW David Green escorted him back to his room. Youth said Forrester "got in his face" and said, "You're not tough. You're not hard." Youth said he turned to say something to Forrester and Forrester took him down to the floor. Youth said Forrester jacked his right arm to the top of his neck and slammed his head to the ground four times. Youth said he saw blood on the floor when Forrester released him. He said the blood came from the lower corner of his right eyebrow. Youth said the area of his eye was swollen about the size of a golf ball. Youth said youths , and witnessed the

²⁸ Attachment D-19.

²⁹ Exhibit AR.

³⁰ Attachments B-5, C-1, C-2, C-7 and C-8.

³¹ Exhibit S.

restraint. Youth said the following day he asked Forrester's permission to call the AR. Youth said Forrester told him that if he called the AR youth Murray would get in trouble for resisting the restraint and could have charges filed against him.

OIG staff reviewed a PAR Incident Report, dated October 5, 2009, which showed Forrester was engaged in an incident with youth on October 3, 2009, at 2:40 p.m.³² The report indicated mechanical restraints were not used and unspecified injuries were observed on the youth. The report indicated Program Director Roscoe Griffin reviewed the report on October 3, 2009, and determined the use of the physical intervention techniques and mechanical restraints were in compliance with the PAR policy and PAR training curriculum. The report indicated Licensed Practical Nurse JoAnne Reid interviewed youth on October 3, 2009, and noted a medical review was necessary. Reid wrote no other comments. The report included a written statement by Forrester, who wrote while he was talking with youth "the youth became agitated and began to escalate to a non-compliant state. In addition, the youth clinched his fist and attempted to strike the supervisor." Forrester wrote "PAR was engaged in order to control the youth's body from any harm." Forrester checked on the form that verbal intervention, countermove, control technique, and a takedown were used as responses in this incident. OIG staff also reviewed medical progress notes for youth from the St. Johns JCF medical office, which showed medical staff saw youth on October 3, 2009, following a PAR, and treated him for an injury to the right side of his forehead that included a small abrasion, some swelling, and small cut (approximately ½ cm in size).³³

OIG staff reviewed an Inactive Status Form for Forrester, which showed he submitted his resignation effective November 12, 2009, and was not eligible for rehire.³⁴

OIG staff interviewed the three youths named by youth as witnesses and each denied witnessing the restraint.³⁵

OIG staff interviewed Green who said he assisted Forrester in escorting youth to his room.³⁶ Green said when he arrived on scene he witnessed youth arguing with Forrester and noticed youth had his fists clinched. Green said youth was using profanity towards Forrester and refused to follow instructions to move towards his room. Green said youth was threatening to fight any staff that got close to him. Green said he managed to convince youth to unclench his fists. Green said as he was escorting youth back to his room and youth spat at and attempted to kick Forrester. Green said Forrester became upset and attempted to restrain youth. Green said he did not witness Forrester "jacking up" youth arm behind his back. Green said he secured youth legs during the restraint. Green said he did not witness Forrester use excessive or inappropriate force on youth

³² Attachment D-1.

³³ Attachment D-2.

³⁴ Attachment D-5.

³⁵ Exhibits V, P and O.

³⁶ Exhibit A1.

OIG staff was unsuccessful in attempts to obtain a statement from Forrester.³⁷

Allegation Six – INCONCLUSIVE

Youths and alleged former Shift Supervisor Michael Forrester denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.³⁸

Youth said he asked Forrester for an abuse call sometime in October 2009 but did not get to make his call.³⁹ He said this incident involved him being moved back to A-pod, where he was previously jumped by youths during an unspecified time period. He said Forrester refused to move him out of A-pod but some unidentified person in management listened to his concern and returned him back in B-pod. Youth said the issue has since been resolved. Youth said Forrester told youths they would not receive abuse calls if the incident/complaint was older than 72 hours. Youth said on another occurrence he asked to call the AR and believed this request was denied by Forrester.⁴⁰ Youth said Forrester denied him access to call the AR because Forrester felt his complaint was not abuse. Youth said he wanted to call the AR because Forrester "was standing in my face."

Youth said he asked Forrester for permission to call an abuse report but Forrester never allowed him to call.⁴¹ Youth said he requested to call the AR on at least five different occasions and was never allowed to call but he could not recall the identities of staff or the timeframes he requested to call abuse.

OIG staff was unsuccessful in attempts to obtain a statement from Forrester.⁴²

Allegation Seven – INCONCLUSIVE

Assistant Regional Vice President of Youth Services International, Tuwollar Mobley, alleged former Assistant Program Director Roscoe Griffin attempted to deter youths from calling the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁴³

OIG staff interviewed Mobley who said she had recommended Griffin's dismissal because of multiple issues she had with him such as failure to advise her of incidents that were occurring within the program.⁴⁴ Mobley said there were also allegations made by the youths that staff was "bargaining" with the youths not to call in abuse

³⁷ Attachment AY-2.

³⁸ Attachments C-1 and C-8.

³⁹ Exhibit H.

⁴⁰ Exhibit I.

⁴¹ Exhibit P.

⁴² Attachment AY-2.

⁴³ Attachments C-1 and C-8.

⁴⁴ Exhibit AK.

allegations. Mobley said she had no direct evidence to support that Griffin personally tried to dissuade youths from calling the AR but said he was certainly responsible for anything that happened within his program involving his staff. Mobley said there was certain staff who disclosed they had to bring any youth requesting to call the AR directly to Griffin. She said the youths disclosed that once they were taken to Griffin's office, he would try to convince them not to report the abuse but promised them that he would take care of the situation.

OIG staff reviewed related documentation and found Griffin was terminated on November 10, 2009, for unsatisfactory performance and misconduct.⁴⁵ The record showed Griffin was not eligible for rehire.

Youth said he overheard Griffin tell a youth that his complaint was not considered an abuse therefore a call to the AR was not permitted.⁴⁶

On April 14, 2010, OIG staff attempted to contact Griffin by certified mail but Griffin did not respond to OIG staff.⁴⁷

Allegation Eight – INCONCLUSIVE

Youths , and alleged Shift Supervisor Edward Kruithoff denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁴⁸

OIG staff interviewed the three complaining youths.⁴⁹ Youth said Kruithoff told him he would not receive an abuse call if the incident/complaint was older than 72 hours. Youth said Kruithoff was one of the staff members that would not allow him to call the AR regarding a medical problem that was not being addressed by the facility. Youth said Kruithoff told him there was nothing he could do for him. Youth said he wanted to call the AR because the air conditioner at the facility was not working. Youth said he asked Kruithoff's permission to call the AR on November 14, 2009, but Kruithoff refused to allow him to call.

On May 6, 2010, OIG staff interviewed Kruithoff who said he is mandated to immediately allow a youth access to the AR unless he is personally handling an incident that prohibits him from allowing the youth access to a telephone.⁵⁰ Kruithoff said he had never been instructed/taught that he could wait 24-72 hours before allowing a youth to place an abuse call. Kruithoff said he never refused youth Hanks an opportunity to call the Abuse Registry. Kruithoff said, "He never asked me for an abuse call." In an earlier interview, on February 16, 2010, Kruithoff said youth requested to call the AR to complain that staff would not allow him to use chemicals to

⁴⁵ Attachment D-7.

⁴⁶ Exhibit P.

⁴⁷ Attachment AY-1.

⁴⁸ Attachments C-1 and C-8.

⁴⁹ Exhibits H, R, and AB.

⁵⁰ Exhibit AU.

clean his room and that staff would not allow him to stay up late. Kruithoff said Master PAR Instructor Fistroy Henry escorted youth to place his abuse call. During the May 6, 2010 interview, Kruithoff said regarding youth "Anybody that wanted an abuse call got an abuse call as far as the A/C went," And he said youth never asked Kruithoff to call the AR.

Allegation Nine – INCONCLUSIVE

Youths and alleged former Shift Supervisor Kimberly Kelly denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns YA Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁵¹

OIG staff interviewed the three complaining youths.⁵² Youth said he requested to call the AR and was told by staff [former Shift Supervisor Kimberly] Kelly that his complaint did not meet the requisites for an abuse call. Youth said Kelly refused to allow youths to call the AR. Youth said Kelly would often try to bribe the youths by telling them that they would get candy if they did not call the AR. Youth said he overheard Kelly say staff had 24 hours to allow a youth to call the AR.

On August 31, 2010, OIG staff interviewed Kelly who said during her tenure at the facility she never had one youth ask her to call the AR.⁵³ Kelly said she never witnessed any staff member deter or bribe any youth not to call the AR.

Allegation Ten – INCONCLUSIVE

Youth alleged former Shift Supervisor Andrew Jordan denied him access to the Abuse Registry (AR). The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁵⁴

Youth said Jordan denied many youths the opportunity to call the AR.⁵⁵
Youth said Jordan personally denied him the ability to call abuse several times.

OIG staff reviewed related documentation and found Jordan resigned on August 12, 2009, and was classified as not eligible to be rehired.⁵⁶ A review of the documentation showed Jordan had been placed on administrative leave as a result of concerns of failure to supervise staff, failure to respond, and failure to give correct information on a PAR.

⁵¹ Attachments C-4 and C-8.

⁵² Exhibits Q, AC and AE.

⁵³ Exhibit AT.

⁵⁴ Attachments C-1 and C-8.

⁵⁵ Exhibit AC.

⁵⁶ Attachment D-9.

On April 14, 2010, OIG staff attempted to contact Jordan by certified mail but Jordan did not respond to OIG staff.⁵⁷

Allegation Eleven – INCONCLUSIVE

Youths and alleged former Shift Supervisor Nathaniel Paige denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁵⁸

OIG staff interviewed both complaining youths.⁵⁹ Youth said that Paige once gave him a Snickers candy bar if he agreed to wait until the morning to call the AR. Youth said he requested to call the AR in October 2009, because staff stripped everything from his room and left him naked. Youth said the staff member he asked was Paige, who was recently fired. Youth said Paige told him that it was too late to place the call but promised youth that he would get his call the following morning.

OIG staff reviewed related documentation and found Paige was placed on administrative leave and eventually terminated on December 10, 2009, as a result of findings of an internal investigation on an unrelated incident.⁶⁰

On April 14, 2010, OIG staff attempted to contact Paige by certified mail but Paige did not respond to OIG staff.⁶¹ On August 30, 2010, OIG staff attempted to contact Paige at the telephone numbers provided by him as contact numbers to the St. Johns Youth Academy but both numbers were non-operational.⁶²

Allegation Twelve – INCONCLUSIVE

Youths and alleged Shift Supervisor Randy Villalobos denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns YA Standard 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁶³

OIG staff interviewed both complaining youths.⁶⁴ Youth said once offered him a bribe not to call the AR. Youth said he wanted to call the Abuse Registry because he found mold in the tomatoes he was eating and asked to call abuse. Youth said he was only kidding but said Villalobos did not know he was

⁵⁷ Attachment AY-4.

⁵⁸ Attachments C-1 and C-8.

⁵⁹ Exhibits G and T.

⁶⁰ Attachment D-11.

⁶¹ Attachment AY-3.

⁶² Exhibit AY.

⁶³ Attachments C-4 and C-8.

⁶⁴ Exhibits Y and AE.

only kidding but still tried to bribe him. Youth stated he heard Villalobos tell youth they had 24 hours to give youth an abuse call.

On May 6, 2010, OIG staff interviewed Villalobos who said when he initially started working as a direct care staff he was confused whether staff had a 24-hour timeframe to allow a youth to call the AR.⁶⁵ Villalobos said he quickly clarified the confusion and was told a youth had "immediate" access to call the AR. Villalobos said he heard the erroneous information about the 24-hour timeframe from former staff members and not from any current employee at the facility. Villalobos said youth complained there was "mold on his food" but did not request to call the AR. Villalobos said he never told youth staff had 24 hours to allow a youth to call the AR.

Allegation Thirteen – INCONCLUSIVE

During the course of the investigation, multiple youths said unidentified staff at St. Johns YA and St. Johns JCF denied them access to the AR. The alleged conduct is classified as Violation of Policy and Rule and is covered by St. Johns JCF Standard Indicator 1.09, Abuse Free Environment, St. Johns YA Standard 1.09, Abuse Free Environment and Florida Statute 39.201, Mandatory Reports of Child Abuse, Abandonment or Neglect; Mandatory Reports of Death; Central Abuse Hotline.⁶⁶

OIG staff interviewed seven youths who alleged unidentified staff denied them access to the AR.⁶⁷ Youth said he asked St. Johns YA staff several times for permission to place an abuse call and was denied permission each time but he could not recall when and who he asked to call the AR. Youth said he attempted to call the AR about mold in the shower area but unidentified St. Johns YA staff "talked him out" of making the call. Youth said he was aware unidentified St. Johns YA staff refused several youths the opportunity to call the AR. Youth said he had requested to call the AR several times and each time was denied by unidentified St. Johns JCF staff. Youth said he asked unidentified St. Johns YA staff for an abuse call but was not allowed to call. Youth said he heard unidentified St. Johns YA staff telling youths they were not being abused and "they could handle what's going on. It's not that big of a deal." Youth said if a youth requests to call the AR during the night time, unidentified St. Johns JCF staff often advised the youth they needed to wait until the morning because the staff members were fearful of getting into trouble.

OIG staff interviewed Mobley who said she was responsible for the training and operations in the state of Florida.⁶⁸ Mobley said she arrived at St. Johns YA and St. Johns JCF sometime in mid-September 2009. Mobley said all facility staff are required to allow youth access to a telephone to report any allegations of abuse. Mobley said the calls are required to be made immediately unless there are other prohibiting factors present. Mobley said she recommended the dismissal of Griffin, the former Assistant Program Director at St. Johns JCF, because of multiple issues she had with him such as failure to advise her of incidents that were occurring within the program.

⁶⁵ Exhibit AW.

⁶⁶ Attachments C-1, C-4 and C-8.

⁶⁷ Exhibits E, G, N, P, X, AA, and AB.

⁶⁸ Exhibit AK.

Mobley said there were also allegations made by the youths that staff was "bargaining" with the youths not to call in abuse allegations.

Additional Issues:

During the course of the investigation, youths and testified they overheard comments from other youths and unidentified staff that Conley had made remarks that four staff members [Clark, Smith, Wise, and Bernard Jones] were brought into the facilities from Miami by her (Conley) to get the youths "in line."⁶⁹ OIG staff interviewed staff [YCW Fredrick] Brown, since youth identified Brown as one of the staff who overheard Conley say the staff from West Palm Beach were brought in to straighten out the youths at the program. Brown denied he ever made any remarks to any youths that Conley brought in staff to enforce the rules at the facilities.⁷⁰ Brown said most of the youths did not like Conley because she enforced the rules. Conley said she never instructed any staff to "make examples" out of problematic youths at the facility.⁷¹ Conley said the four staff members who were picked to come up from Thompson Academy and Palm Beach Juvenile Correctional Facility were selected because of their knowledge and strengths working with youths. Conley called them "seasoned staff." Conley said the staff at the St. Johns Youth Academy and St. Johns Juvenile Correctional Facility were lacking the necessary skills to deal with youths and would often allow youth to do as they pleased without holding them accountable. Conley said when the visiting staff arrived at the facility and started holding youths accountable for their behavior, many of the youths interpreted this as abuse.

During the course of the investigation, youths and said their grievances were not being properly addressed or replied to in a timely manner.⁷² Both facilities have policies in place which clearly defines the process and timelines on how grievances are handled by management.⁷³ Mobley said the grievance procedures were virtually non-existent under former Program Director Anthony Winn and Griffin.⁷⁴ Mobley said a survey was conducted with the youths who complained about the grievance program and all the issues raised during the DCF investigation have been addressed and resolved. It is recommended Residential Services and the program review the grievance process at this program to ensure it is operating effectively.

During the course of the investigation, youth said former Youth Care Worker Jeff McLaughlin had hit him in the face with a set of keys.⁷⁵ Youth said he did not call the AR because the incident occurred off camera and he had no proof to support the allegation. Youth said he had told DCF personnel who recently visited the facility about this incident. As McLaughlin's employment with St. Johns YA was terminated on October 26, 2009, for misconduct and he was not eligible for rehire, OIG staff is recommending no further action regarding this matter.⁷⁶

⁶⁹ Exhibits P, U, M, Z, AA, and AC.

⁷⁰ Exhibit AG.

⁷¹ Exhibit AR.

⁷² Exhibits E, P, Q, R, and T.

⁷³ Attachments C-5 and C-6.

⁷⁴ Exhibit AK.

⁷⁵ Exhibit T.

⁷⁶ Attachment D-8.

Conclusion and/or Recommendations

Based on a review of related records and policies, as well as witness and subject statements, the following determinations have been reached as noted for each subject staff:

Staff	Position	Allegations	Determination
Lasheba Anderson	Shift Supervisor	1) Violation of Policy/Rule	1) Inconclusive
Lashonda Armstrong	Former Shift Supervisor	2) Violation of Policy/Rule	2) Inconclusive
Alfred Clark	Youth Care Worker	3) Unnecessary Force	3) Inconclusive
Milton Collins	Shift Supervisor	2) Violation of Policy/Rule	2) Inconclusive
Bettina L. Conley	Program Director	4) Violation of Policy/Rule	4) Inconclusive
Michael Forrester	Shift Supervisor	5a) Unnecessary Force 5b) Violation of Policy/Rule 6) Violation of Policy/Rule	5a) Inconclusive 5b) Inconclusive 6) Inconclusive
Roscoe Griffin	Former FA	7) Violation of Policy Rule	7) Inconclusive
Fistroy Henry	Master PAR Instructor	3) Unnecessary Force	3) Inconclusive
Andrew Jordan	Former Shift Supervisor	10) Violation of Policy/Rule	10) Inconclusive
Kimberly Kelly	Former Shift Supervisor	9) Violation of Policy/Rule	9) Inconclusive
Edward Kruithoff	Shift Supervisor	8) Violation of Policy/Rule	8) Inconclusive
Nathaniel Paige	Shift Supervisor	11) Violation of Policy/Rule	11) Inconclusive
Roy Smith	Shift Supervisor	3) Unnecessary Force	3) Inconclusive
Randy Villalobos	Shift Supervisor	12) Unnecessary Force	12) Inconclusive
Larry Wise	Unit Manager	3) Violation of Policy/Rule	3) Inconclusive
St. Johns YA	Facility	13) Violation of Policy/Rule	13) Inconclusive
St. Johns JCF	Facility	13) Violation of Policy/Rule	13) Inconclusive

It is recommended both the St. Johns YA and St. Johns JCF ensure facility wide refresher training is conducted for abuse reporting and grievance procedures to ensure all staff are knowledgeable of the proper procedures.

Subject(s)

Shift Supervisor Lasheba Anderson has been employed at St. Johns YA since December 2008. The Background Screening Unit (BSU) database showed that at the time of the incident, Anderson was eligible for employment. The CCC database showed no complaints for Anderson.

Former Shift Supervisor Lashonda Armstrong had been employed at St. Johns YA since June 2009. The BSU database showed that at the time of the incident, Armstrong was eligible for employment. The CCC database showed no complaints for Armstrong.

Youth Care Worker Alfred Clark has been employed with YSI since October 2007 and is originally assigned to Thompson Academy. The BSU database showed that at the time of the incident, Clark was eligible for employment. The CCC database showed no complaints for Clark. Clark had successfully completed his PAR written and performance evaluation at the time of the incident.⁷⁷

Shift Supervisor Milton Collins has been employed at St. Johns YA since June 2009. The BSU database showed that at the time of the incident, Collins was eligible for employment. The CCC database showed one prior complaint for Collins; a program review unsubstantiated an allegation of Unnecessary Force [CCC # 2009-05306].

Program Director Bettina Conley has been employed at St. Johns YA since June 2009. The BSU database showed that at the time of the incident, Conley was eligible for employment. The CCC database showed one prior complaint for Conley; an administrative review unsubstantiated an allegation of Violation of Policy/Rule [CCC #2009-05574].

Former Shift Supervisor Michael Forrester had been employed at St. Johns JCF since May 2009. The BSU database showed at the time of the incident, Forrester was eligible for employment. The CCC database showed no complaints for Forrester. Forrester had successfully completed his PAR written and performance evaluation at the time of the incident.⁷⁸

Former Assistant Program Director Roscoe Griffin had been employed at the St. Johns JCF since December 2008. The BSU database showed at the time of the incident, Griffin was eligible for employment. The CCC database showed five prior complaints for Roscoe. An administrative review substantiated an allegation of Violation of Policy/Rule [CCC #2009-01722]. Griffin was retrained and signed a memo of clarification stating staff must have unimpeded access to call 911. A review by management unsubstantiated an allegation of Improper Supervision [CCC #2009-05522], an administrative review unsubstantiated an allegation of Excessive Force [CCC #2010-00008], a Program Review unsubstantiated an allegation of Unnecessary Force [CCC #2010-00009], and an Administrative Review found inconclusive an allegation of Violation of Policy/Rule [CCC #2010-02495].

⁷⁷ Attachment D-15.

⁷⁸ Attachment D-13.

Master PAR Instructor Fistroy Henry has been employed at St. Johns YA since May 2009. The BSU database showed at the time of the incident, Henry was eligible for employment. The CCC database showed no complaints for Henry. Henry had successfully completed his PAR written and performance evaluation at the time of the incident and was identified as a Master PAR Instructor.⁷⁹

Former Shift Supervisor Andrew Jordan had been employed at St. Johns YA since June 2009. The BSU database showed at the time of the incident, Jordan was eligible for employment. The CCC database showed one prior complaint for Jordan [CCC #2009-04188]. A program review substantiated an allegation of Unnecessary Force against Jordan that resulted in Jordan submitting his resignation.

Former Shift Supervisor Kimberly Kelly had been employed at St. Johns Youth Academy since June 2009. The BSU database showed that at the time of the incident, Kelly was eligible for employment. The CCC database showed no complaints for Kelly.

Shift Supervisor Edward Kruithoff has been employed at St. Johns JCF since June 2009. The BSU database showed at the time of the incident, Kruithoff was eligible for employment. The CCC database showed one complaint against Kruithoff [CCC #200906389]. An administrative review unsubstantiated an allegation of Improper Supervision.

Former Shift Supervisor Nathaniel Paige had been employed at the St. Johns YA since May 2009. The BSU database showed that at the time of the incident, Paige was eligible for employment. The CCC database showed one complaint against Paige [CCC #2009-06175]. An administrative review substantiated allegations of Improper Supervision and Violation of Policy/Rule. Paige was terminated on December 10, 2009, as a result of that investigative finding.

Shift Supervisor Roy Smith has been employed with YSI since November 2007. The BSU database showed that at the time of the incident, Smith was eligible for employment. The CCC database showed four prior complaints for Smith. An administrative review unsubstantiated allegations of Excessive Force, Medical Neglect and Other [CCC #2007-00237]. An administrative review unsubstantiated an allegation of Improper Conduct [CCC #2007-06230]. An administrative review unsubstantiated an allegation of Unnecessary Force [CCC #2009-05288]. An administrative review unsubstantiated an allegation of Excessive Force [CCC #2010-00837]. All four incidents occurred at the Palm Beach JCF, where Smith is permanently assigned. Smith had successfully completed his PAR written and performance evaluation at the time of the incident.⁸⁰

Shift Supervisor Randy Villalobos has been employed at St. Johns YA since October 2009. The BSU database showed at the time of the incident, Villalobos was eligible for employment. The CCC database showed no complaints for Villalobos.

Unit Manager Larry Wise has been employed with YSI since May 2007. The BSU database showed that at the time of the incident, Wise was eligible for employment.

⁷⁹ Attachment D-12.

⁸⁰ Attachment D-14.

The CCC database showed four prior complaints for Wise. The most recent three complaints against Wise occurred while at Thompson Academy, where he is permanently assigned. The first complaint occurred while Wise was employed at Cypress Creek, where an administrative review unsubstantiated an allegation for Violation of Policy/Rule [CCC #2004-07247]. A program review unsubstantiated an allegation of Excessive Force [CCC #2007-06132]. A program review unsubstantiated an allegation of Excessive Force [CCC #2008-04005]. CCC #2010-01283 was merged with CCC #2010-01271 and is currently being investigated by Inspector Specialist Thomas Dunne for allegations a youth sustained a shoulder injury while being restrained by Wise. Wise had successfully completed his PAR written and performance evaluation at the time of the incident.⁸¹

⁸¹ Attachment D-16.

Statement of Accordance

Section 20.055, Florida Statutes, establishes the Office of Inspector General in each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. In carrying out the investigative duties and responsibilities specified in this section, each inspector general shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.

Investigative Team

This investigation was conducted by then Inspector Specialist Robert Goldapple, CIGI, and Inspector Specialist Ruben Hernandez, CIGI, under the supervision of Investigations Coordinator Rick Bodnar, CIGI, and was directed by Chief of Investigations Howard Greenfield, CFE, CPM, CIGI, CIG.

Exhibits List

Origin of Complaint

Receipt of Initial Information	A
Incident/Complaint Report Form 200906026, dated 11/17/09	A-1

Contract Review

Contract Review	B
Contract # A6105	B-1
Contract # A6105, Attachment #7	B-2
Contract # A6105, Attachment #8	B-3
Contract # A6105, Attachment #9	B-4
Contract #R2052	B-5

Review of Policies/Procedures/Rules/Statutes and Records

Policies/Procedure/Statutes/Rules	C
St. Johns JCF Standard Indicator 1.09, Abuse Free Environment, dated 12/01/08	C-1
St. Johns JCF Standard Indicator 3.14, Behavioral Intervention Techniques, dated 12/08/08	C-2
St. Johns YA Standard Indicator 3.14, Behavioral Intervention Techniques, dated 7/3/09	C-3
St. Johns YA, Standard Indicator 1.09, Abuse Free Environment, dated 12/10/09	C-4
St. Johns YA Standard Indicator 3.10, Grievance Process, dated 12/02/09	C-5
St. Johns JCF Standard Indicator 3.10, Grievance Process, dated 12/01/08	C-6
Rule 63H-1.003, Authorized Levels of Response	C-7
FS 39.201, Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline	C-8

Records Reviewed

DJJ PAR Incident Report, Youth	10/05/09	D
St. Johns JCF, Medical Progress Notes, Youth		D-1
DJJ PAR Incident Report, Youth	11/11/09	D-2
St. Johns JCF, Medical Progress Notes, Youth		D-3
YSI Inactive Status Form, M. Forrester, 11/12/09		D-4
YSI Inactive Status Form, A. Wynn, 09/24/09		D-5
YSI Inactive Status Form, R. Griffin, 11/11/09		D-6
YSI Inactive Status Form, J. McLaughlin, 06/16/09		D-7
YSI Inactive Status Form, A. Jordan, 08/12/09		D-8
YSI Inactive Status Form, K. Kelly, 10/28/09		D-9
YSI Suspension/Termination Documents, N. Paige, 11/27/09 & 12/10/09		D-10
Core Training Records, F. Henry		D-11
Core Training Records, M. Forrester		D-12
Core Training Records, R. Smith		D-13
Core Training Records, A. Clark		D-14
Core Training Records, L. Wise		D-15
		D-16

DJJ CCC Incident/Complaint Report 2009-05522, 10/25/09	D-17
St. Johns YA Abuse Log Book Entry, 10/07/09	D-18
DJJ CCC Incident/Complaint Report 2010-00546, 02/09/10	D-19

Youth Interviews

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N
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AE

Witness Interviews

Lashun Arnold	AF
Fredrick Brown	AG
Connie Collins	AH
David Green	AI
Bernard Jones	AJ
Tuwollar Mobley	AK
James Mull	AL
Larry Wise	AM

Subject Interviews

Lasheba Anderson	AN
Lashonda Armstrong	AO
Alfred Clark	AP
Milton Collins	AQ
Bettina Lynne Conley	AR
Fistroy Henry	AS

Kimberly Kelly
Edward Kruithoff
Roy Smith
Randy Villalobos
Larry Wise

AT
AU
AV
AW
AX

Other Investigative Aspects

Certified Letter, R. Griffin, 04/14/10
Certified Letter, M. Forrester, 04/14/10
Certified Letter, N. Paige, 04/14/10
Certified Letter, A. Jordan, 04/14/10
Certified Letter, J. McLaughlin, 04/14/10

AY
AY-1
AY-2
AY-3
AY-4
AY-5